

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Henry Shatkin, on behalf of himself and all others
similarly situated

SUMMONS IN A CIVIL ACTION

V.

The Bank of New York Mellon Corporation

CASE NUMBER:

07 CIV 7928

JUDGE CROTTY

TO: (Name and address of Defendant)

The Bank of New York Mellon Corporation
Attn: General Counsel
One Wall Street
New York, New York, 10286

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Christopher Lovell
Lovell Stewart Halebian LLP
500 Fifth Avenue
New York, NY 10110

an answer to the complaint which is served on you with this summons, within 20 (twenty) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SEP 10 2007

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Date Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
Southern District of New York

Index Number: 07 CIV. 7928

Date Filed: _____

Plaintiff:

HEBRY SHATKIN, on behalf of himself and all others similarly situated

vs.

Defendant:

THE BANK OF NEW YORK MELLON CORPORATION

Received by ASK Litigation Support, Inc. to be served on **THE BANK OF NEW YORK MELLON CORPORATION, One Wall Street, New York, NY 10286.**

I, Simon Kahn, being duly sworn, depose and say that on the **13th day of September, 2007 at 11:45 am, I:**

Personally delivered a true copy of the **Summons & Complaint, Civil Cover Sheet, Judge and Magistrate's Rules including ECF** to Anthony Mancuso, Vice President and that said documents were in actuality delivered to the business at the location stated above.

Description of Person Served: Age: 52, Sex: M, Race/Skin Color: Caucasian, Height: 5'11", Weight: 190, Hair: Graying, Glasses: Y.

I am over the age of 18, not a party to this action, and reside in the State of New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

9/14/07
DATE


Simon Kahn
0842361

**ASK Litigation Support, Inc.
D/B/A Firm Service
211 East 43rd Street, Suite 1901
New York, NY 10017
(212) 481-9000
Our Job Serial Number: 2007000566**